

STATE OF UTAH
SENATE JOURNAL
2008 GENERAL SESSION
of the
FIFTY-SEVENTH LEGISLATURE
FIRST DAY
MORNING SESSION
January 21, 2008

Pursuant to the provisions of the Constitution of the State of Utah, the Senators of the Fifty-Seventh Legislature of the State of Utah convened in General Session in the Senate Chamber on Monday, January 21, 2008 at ten o'clock a.m.

The Senate was called to order at 10:30 a.m., with the President John L. Valentine presiding.

PRAYER BY ELDER ROBERT D. HALES
MEMBER OF THE QUORUM OF TWELVE APOSTLES
CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Our Kind Eternal Heavenly Father,

As we come before thee on this opening of the Legislature of the State of Utah, we ask that we may be able to have thy kind spirit to be with the leaders of the state, the governor, the head of the Senate and the House. We ask a special blessing to be upon the Senators as they deliberate on the matters of the people of this state and that all that is discussed and resolved in these chambers will be done in unity and resolution to uphold the constitution and be able to assist those who are in need throughout the state, that they may be able to care for the needy, provide the education, to be able to give security, and to honor the constitution. We thank thee Father for the many blessings which we have and give gratitude for the freedoms of this nation, freedom of speech, freedom of assembly, freedom of religion, freedom of the press, and on this special day in which we honor human rights we ask that we may honor all creeds, religions, and the genealogy and background of all the Citizens who come. We close giving gratitude for all that we have been given and pray that we may show our appreciation and gratitude for the willingness of these men and women who serve as representatives of government.

We say this in the name of Jesus Christ, Amen.

POSTING OF COLORS & PLEDGE OF ALLEGIANCE

UTAH NATIONAL GUARD

Members of the Color Guard

Curt Hoepfner, SFC

John Mark, SFC

Matt Brown, SFC

Jan Rigby, SSG

Pledge of Allegiance – Chief Warrant Officer Four, Scott Upton, Utah National Guard. Served in Iraq, Distinguished Flying Cross Recipient

SPECIAL MUSICAL PRESENTATION

The Layton High School Band, directed by Mr. Keith Sorensen performed “The Star Spangled Banner” and “The Spirit of Freedom” by Cathy Neff.

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On motion of Senator Curtis Bramble, the Senate thanked Elder Hales for delivering the invocation and ordered his words to be spread upon the pages of the Senate Journal.

WELCOMING REMARKS BY PRESIDENT VALENTINE

Good morning and WELCOME to the Senate Chambers in the newly renovated State Capitol Building.

The restoration of our beautiful home here features more than 200 colors of paint and millions of pounds of steel and concrete. For years now she has been attended to by a small army of laborers, artists, architects and politicians.

We have restored the artwork and fixtures at the same time we’ve added incredible information–age technology. We’ve modernized the heating, air conditioning, electrical system, the phone and data and other systems to the extent that this building will use 43 percent LESS electricity than it did before but it will be much more effective.

Through form and function, architecture and art, this building is ready to serve as the temple to our democratic republic it was designed to be.

And we attached this magnificent structure to 265 base isolators beneath the Capitol to allow flexibility while anchoring it firmly to a strong foundation.

That's important because this building is built on a fault line.

Every 1300 years or so an earthquake of 6.7 or greater on the Richter scale rips along the Wasatch Fault – which runs several hundred feet from where we now sit. Scientists estimate it's been about 1300 years since the last one.

Not to worry. The new Capitol Building can flex up to 24 inches in any direction and still be firmly anchored. We estimate she can withstand earthquakes of up to 7.3.

Can WE?

This building sits across other fault lines as well. Sometimes we fracture along lines of party – or ideological variations within a party. Other times we break along institutional lines of House, Senate, and Governor's Office. And sometimes, unfortunately, we fracture along lines of ego and pride.

We need to be problem solvers.

The legislature, as an institution, needs to be bear up under unique seismic pressures as well. In an earlier speech I suggested we rededicate ourselves along with this new building. Let us become more aligned with the principles enshrined in the Capitol.

Like this building, we need to be both flexible and firmly anchored to a strong foundation.

All of us need to be flexible as we adjust to new traffic patterns, unforeseen changes, new people and ideas in this new building. We need to respect and make room for each other.

To our incredible Staff: You have been professional, capable, and wonderful through the years. We expect nothing less of you now. Be firm but flexible.

To Utah citizens: enjoy your time here. Treasure your role and help us fulfill ours.

Remember this is not a direct democracy, this is a democratic republic – but it is a republic for which you are directly responsible.

To my colleagues in the Senate: Like this building we need to be flexible enough to respect and work with all viewpoints, but resolute in fidelity to the values and principles that have led us to our roles in this place at this time. We need to be problem solvers.

Education is an easy example. Because voters have taken vouchers off the table we need to be flexible enough to find other solutions to the problems vouchers were meant to address. But we will be firm in the commitment that our children deserve nothing less than a world class education. As we continue to pour unprecedented amounts of funding to public education we will require results and accountability. Perhaps, in the past, we neglected some of our responsibility in this area. We will do so no longer.

Our state has experienced jaw-dropping prosperity for families, businesses, and individuals. We are one of the best fiscally managed states in the nation. We are the most economically competitive and the best state in the nation to live, work, play, and raise a family.

This is due, in large part, because of work done right here in this body.

As we move forward let's remember this building's architectural principles of flexibility and resolution.

We will be flexible to the extent we can ride through an economic downturn, should one come to pass; but FIRM in maintaining smart economic, fiscal, and tax policy that has played a part in Utah becoming THE most competitive state in the nation.

We will be FIRM in the ability of decent men and women from all walks of life to work together toward policies that make sense. And flexible enough not to get caught up in old tired prejudices.

We will be FIRM in our respect and love for our state and nation and the values, principles and protections that make us free.

We will be Flexible enough to realize we preside here by a specific delegation of power from the people in our districts.

We will be firm enough to use that power to govern well.

Flexible enough to know this is an election year, but firm in our determination that our work here is not to campaign.

Our work is to govern well.

Our job is not to seek retribution, or fame, or riches, or gratification.

Our job is to govern well.

This building is permanent but we are only TEMPORARILY ENTRUSTED. For the short time that is given to each of us here, our ONLY job is to govern well.

Your integrity demands it.

The people of Utah need and deserve it.

Welcome to the Utah State Senate Chambers.

We have work to do.

Let's get started.

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On motion of Senator Killpack, the Senate voted to have President Valentine's remarks spread upon the pages of the Senate Journal.

* * *

Annette B. Moore read the following Certification of Membership of the 2008 General Session of the Fifty-Seventh Legislature from the Lieutenant Governor.

I, GARY R. HERBERT, Lieutenant Governor of the State of Utah, do hereby certify that at a General Election held within and for the State of Utah on Tuesday, November 7, 2006, the following named persons were chosen by the electors as members of the Legislature of the State of Utah, to serve in the Senate, each for the term of four years, beginning January 1, 2007 , to wit:

SECOND DISTRICT: County of Salt Lake

Scott McCoy

THIRD DISTRICT: County of Salt Lake

Gene Davis

FOURTH DISTRICT: County of Salt Lake

Patricia W. Jones

SEVENTH DISTRICT: County of Salt Lake

Ross I. Romero

NINTH DISTRICT: County of Salt Lake

Wayne Niederhauser

ELEVENTH DISTRICT: Counties of Salt Lake, Utah

Howard Stephenson

TWELFTH DISTRICT: Counties of Salt Lake, Tooele

Brent Goodfellow

FIFTEENTH DISTRICT: County of Utah

Margaret Dayton

SEVENTEENTH DISTRICT: Counties of Box Elder, Cache, Tooele

Peter Charles Knudson

EIGHTEENTH DISTRICT: Counties of Davis, Weber

Jon J. Greiner

TWENTY-FIRST DISTRICT: County of Davis

Sheldon L. Killpack

TWENTY-SECOND DISTRICT: County of Davis

Gregory S. Bell

TWENTY-FOURTH: Counties Juab, Piute, Sanpete, Sevier, Tooele, Wayne

Darin Peterson

TWENTY-SIXTH DISTRICT: Counties of Daggett, Duchesne, Summit, Uintah,
Wasatch

Kevin T. VanTassell

TWENTY-EIGHTH DISTRICT: Counties of Beaver, Garfield, Kane, Millard,
Washington

Dennis E. Stowell

I FURTHER CERTIFY that at a General Election held within and for the State of Utah on Tuesday, November 2, 2004, the following persons were chosen by the electors as members of the Legislature of the State of Utah, to serve in the Senate, each for the term of four years, beginning January 1, 2005, to-wit:

FIRST DISTRICT: County of Salt Lake

Fred J. Fife III

SIXTH DISTRICT: County of Salt Lake

Michael G. Waddoups

EIGHTH DISTRICT: County of Salt Lake

Carlene M. Walker

TENTH DISTRICT: County of Salt Lake

D. Chris Butters

THIRTEENTH DISTRICT: Counties of Salt Lake, Tooele

Mark B. Madsen

FOURTEENTH DISTRICT: County of Utah

John L. Valentine

SIXTEENTH DISTRICT: County of Utah

Curtis S. Bramble

NINETEENTH DISTRICT: Counties of Morgan, Summit, Weber

Allen M. Christensen

TWENTIETH DISTRICT: County of Weber

Scott K. Jenkins

TWENTY-FIRST DISTRICT: County of Davis

Sheldon L. Killpack

TWENTY-THIRD DISTRICT: County of Davis

Dan R. Eastman

TWENTY-FIFTH DISTRICT: Counties of Cache, Rich

Lyle W. Hillyard

TWENTY-SEVENTH DISTRICT: Counties of Carbon, Emery, Grand, San Juan,
Utah

Mike Dmitrich

TWENTY-NINTH: Counties of Washington

John W. "Bill" Hickman

I FURTHER CERTIFY that the following named person has been duly appointed as a member of the Legislature of the State of Utah, to serve in the Senate, filling a seat vacated in District Five, for a term to expire on December 31, 2008, to-wit:

FIFTH DISTRICT: County of Salt Lake

Karen Mayne

IN WITNESS WHEREOF, I
have hereunto set my hand and
caused to be affixed the Great
Seal of the State of Utah at Salt
Lake City, this 21st day of
January, 2008.

Gary Herbert

Lieutenant Governor

Roll Call – All Senators present.

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President Valentine directed that the following be recorded in the Senate Journal as leaders for the 57th Legislature 2008 General Session:

President – John L. Valentine

Majority Leader – Curtis S. Bramble

Majority Whip – Dan R. Eastman

Asst. Majority Whip – Sheldon L. Killpack

Minority Leader – Mike Dmitrich

Minority Whip – Gene Davis

Asst. Minority Whip – Patricia W. Jones

Minority Caucus Manager – Brent Goodfellow

On motion of Senator Bill Hickman, the Senate voted to approve the Senate leadership.

President Valentine directed that the following be recorded in the Senate Journal as members of the Rules Committee for the 57th Legislature 2008 General Session:

Bill Hickman, Chair
Peter Knudson
Greg Bell
Chris Buttars
Darin Peterson
Gene Davis
Scott McCoy

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President Valentine appointed Senator Greg Bell as the Committee Chair to serve Patronage and Employees.

On motion of Senator Bill Hickman, the 2007 Senate Rules, Joint Rules and Interim Rules of the Fifty-Seventh Legislature were adopted with the understanding that changes to these rules for the Fifty-Seventh Legislature will be considered and adopted as soon as possible.

President Valentine appointed Senators Christensen, Stowell and McCoy as a committee to notify the House of Representatives that the Senate is organized and ready to do business.

President Valentine appointed Senators Stephenson, Dayton, and Goodfellow to join with a like committee from the House to notify Governor Jon M. Huntsman, Jr. that the Legislature is organized for the 2008 General Session of the Fifty-Seventh Legislature and ready to do business.

Representatives Aagard, Dunnigan, and Morgan formally notified the Senate that the House is organized and ready to do business.

On motion of Senator Hickman, as allowed by the Utah Constitution and Joint Rules of the Legislature, the Senate voted to continue its practice of reading only the short title of bills and resolutions as they are introduced or considered on the Senate calendar and not read the long title of the bills and resolutions unless a majority of the Senate directs the reading of the long title, short title, or both of any House of Senate bill or resolution.

Senator Christensen, Chairman of the Committee to Notify the House, reported the House has been notified that the Senate is organized and ready to do business.

Senator Stephenson, Chairman of the Committee to Notify the Governor, reported that His Excellency, Governor Jon M. Huntsman, has been notified that the Legislature is organized and ready to do business.

At the direction of President Valentine, information and membership concerning the following committees are to be officially recorded in the Senate Journal:

SENATE STANDING COMMITTEES

Business and Labor

Kevin VanTassell, *Chair*
Dan R. Eastman
Bill Hickman
Wayne Niederhauser
Carlene Walker
Gene Davis
Karen Mayne

Education

Margaret Dayton, *Chair*
Curtis Bramble
Greg Bell
Lyle Hillyard
Darin Peterson
Howard Stephenson
Patricia Jones
Ross Romero

Natural Resources, Agriculture and Environment

Darin Peterson, *Chair*
Allen Christensen
Margaret Dayton
Dennis Stowell
Michael Waddoups
Gene Davis
Fred Fife

Health and Human Services

D. Chris Buttars, *Chair*
Allen Christensen
Peter Knudson
Brent Goodfellow
Scott McCoy

Workforce Services and Community and Economic Development

Mark B. Madsen, *Chair*
Dan Eastman
Sheldon Killpack
Dennis Stowell
Fred Fife
Patricia Jones

Judiciary, Law Enforcement and Criminal Justice

Greg Bell, *Chair*
Lyle W. Hillyard
Jon Greiner
Mark Madsen
John Valentine
Scott McCoy
Ross Romero

Revenue and Taxation

Wayne Niederhauser, *Chair*
Curtis Bramble
Jon Greiner
Howard Stephenson
John Valentine
Michael Waddoups
Mike Dmitrich
Karen Mayne

**Government Operations and
Political Subdivisions**

Peter Knudson, *Chair*
Bill Hickman
D. Chris Buttars
Scott Jenkins
Scott McCoy
Ross Romero

**Transportation and Public
Utilities and Technology**

Carlene Walker, *Chair*
Sheldon Killpack
Scott Jenkins
Kevin VanTassell
Mike Dmitrich
Karen Mayne

**Retirement and Independent
Entities**

Curtis Bramble, *Chair*
Chris Buttars
Darin Peterson
Carlene Walker
Brent Goodfellow
Gene Davis

Senate Rules

Bill Hickman, *Chair*
Peter Knudson
Greg Bell
D. Chris Buttars
Darin Peterson
Gene Davis
Scott McCoy

**SENATE MEMBERS JOINT
APPROPRIATIONS SUBCOMMITTEES
2007 – 2008**

**EXECUTIVE
APPROPRIATIONS
COMMITTEE**

Sen. Lyle Hillyard, *Chair*
Sen. Peter Knudson,
Vice Chair
Sen. John Valentine
Sen. Curtis Bramble
Sen. Dan Eastman
Sen. Sheldon Killpack
Sen. Mike Dmitrich
Sen. Gene Davis
Sen. Brent Goodfellow
Sen. Pat Jones

**COMMERCE AND
WORKFORCE SERVICES**

Sen. Jon Greiner, *Chair*
Sen. Mark Madsen
Sen. Wayne Niederhauser
Sen. Karen Mayne

**ECONOMIC DEVELOPMENT
AND REVENUE**

Sen. Bill Hickman, *Chair*
Sen. Dan Eastman
Sen. Gene Davis

**EXECUTIVE OFFICES AND
CRIMINAL JUSTICE**

Sen. Michael Waddoups,
Chair
Sen. Scott McCoy

**CAPITAL FACILITIES AND
ADMINISTRATIVE SERVICES**

Sen. Scott Jenkins, *Chair*
Sen. Sheldon Killpack
Sen. Darin Peterson
Sen. Mike Dmitrich

HIGHER EDUCATION

Sen. Greg Bell, *Chair*
Sen. Curtis Bramble
Sen. Dan Eastman
Sen. Brent Goodfellow

**HEALTH AND HUMAN
SERVICES**

Sen. Allen Christensen, *Chair*
Sen. D. Chris Buttars
Sen. Peter Knudson
Sen. Ross Romero

NATURAL RESOURCES

Sen. Dennis Stowell, *Chair*
Sen. John Valentine
Sen. Margaret Dayton
Sen. Mike Dmitrich

PUBLIC EDUCATION

Sen. Howard A. Stephenson,
Chair
Sen. Lyle Hillyard
Sen. Kevin VanTassell
Sen. Pat Jones

**RETIREMENT AND
INDEPENDENT ENTITIES**

Sen. Curtis Bramble
Sen. Chris Buttars
Sen. Darin Peterson
Sen. Carlene Walker
Sen. Gene Davis
Sen. Brent Goodfellow

**TRANSPORTATION AND
ENVIRONMENTAL QUALITY**

Sen. Carlene Walker, *Chair*
Sen. John Valentine
Sen. Sheldon Killpack
Sen. Fred Fife

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LEGISLATIVE MANAGEMENT COMMITTEE

Sen. John L. Valentine, *Chair*
Sen. Curtis S. Bramble
Sen. Dan R. Eastman
Sen. Sheldon Killpack
Sen. Mike Dmitrich
Sen. Gene Davis
Sen. Brent Goodfellow
Sen. Pat Jones

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On motion of Senator Bell, the Senate voted to adopt the following committee report and employ the persons recommended by Senator Bell.

EMPLOYEE COMMITTEE REPORT

Senator Bell introduced the Senate staff.

Annette B. Moore
Ric Cantrell
Leslie O. McLean
Janeen M. Halverson

Secretary of the Senate
Chief Deputy of the Senate
Manager of Senate Services
Minority Administrative
Assistant

Lynette Erickson	Docket Clerk
Greg Johnson	System Analyst and Computer Specialist
Laura Barlow	Asst. Majority Assistant
Mary Andrus	Journal Clerk
Rolayne Day	Secretarial Supervisor & Committee Secretary
Saundra Maeser	Rules Secretary
Bonnie Brinton	Committee Secretary
Cherie M. Schmidt	Committee Secretary
Karen Allred	Committee Secretary
Karen C. Allred	Committee Secretary
Nedra Duzett	Committee Secretary
Joan Tiffany	Committee Secretary
Robert L. Gardner	Sergeant At Arms
Leo Parry	Asst. Sergeant At Arms
Thomas R. Shepherd	Security
Al Caputo	Security
Roger Winslow	Security
Glenn Hildebrand	Security
Paul Jacobs	Security
Tony Mascaro	Security
Virgil Blair	Security
Frank Christensen	Security
Ammon Ely	Security
Steve Higham	Security
Jason Hildebrand	Security
Cliff Park	Security
Gayle C. Petersen	Page Supervisor
Linda Cornaby	Asst. Page Supervisor
Sue Gaskill	Page
Kathryn Alldredge	Page
Deanne Evans	Page
Christine Hunter	Page
Judy Paulson	Page
Sandy "Penny" Dunn	Page
Dianne Richards	Page
Jewel Doxey	Page
Margaret Pugsley	Page
Georgianna Knudson	Docket Clerk Aide

Eileen Miller	Public Address
	System Operator
Richard Black	Computer Specialist
Paula Tew	Legislative &
	Third House Aide
	Aide to Sec. of Sen.
Evoline Gardner	Hostess and
	3rd House Aide
Vicky Barber	Public Information Officer
Rebecca Rawson	Public Information Officer
Ellen Schoffield	Public Information Officer

INTRODUCTION OF INTERNS

Senator Pat Jones introduced the Senate Interns for the 2008 General Session.

Sen. Greg Bell	Brian Nielsen
Sen. Curtis Bramble	Jeff Bramble
Sen. D. Chris Butters	Amelia Roper
Sen. Allen Christensen	Robert Pyper
Sen. Gene Davis	Stephen McKeone
Sen. Margaret Dayton	Kendyl Bell
Sen. Mike Dmitrich	Stephen McKeone
Sen. Dan R. Eastman	Seth Melling
Sen. Fred Fife	Joseph Nations
Sen. Brent Goodfellow	Greg Buckley
Sen. Jon J. Greiner	Chase Carter
Sen. Bill Hickman	Michael Hock
Sen. Lyle Hillyard	Kaylyn Newhall
Sen. Scott Jenkins	Chase Carter
Sen. Patricia Jones	Autumn Orme
Sen. Sheldon Killpack	Phillip Malugade
Sen. Peter Knudson	Daniel Rose
Sen. Mark Madsen	Robert Pyper
Sen. Karen Mayne	Joseph Nations
Sen. Scott McCoy	Zachery Fountain
Sen. Wayne Niederhauser	Ryan Richards
Sen. Darin Peterson	Michael Hock
Sen. Ross Romero	Zachery Fountain
Sen. Howard Stephenson	Shawn Horrocks
Sen. Dennis Stowell	Anna Moesinger
Pres. John Valentine	Colby Green
Sen. Kevin VanTassell	Ryan Richards

Sen. Michael Waddoups
Sen. Carlene Walker

Amelia Roper
Erin Toolson

INTRODUCTION OF BILLS

S.B. 1, State Agency and Higher Education Base Budget Appropriations (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 10, Search Warrant Procedure Amendments (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 11, Utah Venture Capital Enhancement Act Amendments (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 12, Election Law Modifications (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 13, Candidate Residency Requirements (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 14, Smoking Ban in Motor Vehicle (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 15, Driving Under the Influence Amendments (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 16, Exoneration and Innocence Assistance (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 17, Child Abuse and Neglect Registry – Management and Licensing Information Systems Amendments (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 18, Public Safety Retirement Death Benefit Modifications (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 19, Enhanced Public Safety Retirement Systems Cola Option (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 20, Municipal Government Amendments (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 21, Campaign Finance Disclosure Revisions (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 22, Timing of Ballot Items (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 23, Revision to Polling Requirements (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 24, Retirement Death Benefits and Divorce Revisions (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 25, Municipal Incorporation Amendments (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 26, Fire Management Areas (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 27, Trustees Sale – Process for Excess Proceeds (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 28, Apportionment of Business Income, Attributing Sales to the State, and Deduction of Net Losses by a Unitary Group (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 29, Truth in Taxation Amendments (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 30, Consumer Sales Practice Act Amendments (P. Jones), read the first time by short title and referred to the Rules Committee.

S.B. 31, Income Tax Amendments (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 32, Local Government Bonding Act – Public Hearings (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 33, Department of Community and Culture – State-owned Art Inventory (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 34, Confidentiality of Reports to Driver License Division (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 35, Differentiated Pay for Teachers (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 36, Charter and Online Schools – Participation in Extracurricular Activities (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 37, Home School and Extra Curricular Activities Amendments (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 38, Transparency in Government Finance (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 39, Mathematics, Science, and Technology Education Task Force (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 40, State Trade Database (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 41, Extended School Year Incentive (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 42, Utah College of Applied Technology – Governance and Operations (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 44, Penalties for Failing to Secure a Load or Littering on a Highway (P. Jones), read the first time by short title and referred to the Rules Committee.

S.B. 45, Accounting for Competitive Activities of Local Entities (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 46, Anti-flow Control Amendments (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 47, Limited Purpose Local Government Entities Revisions (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 48, Equalization of School Capital Outlay Funding (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 49, New School District Amendments (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 50, Medical Benefits Recovery Amendments (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 51, Impact Fees – Public Safety Facility (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 52, Identity Theft Amendment (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 53, Use of Initiative and Referendum for Administrative Land Use and Zoning Matters (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

S.B. 54, Initiative and Referendum Petition Submission Amendments (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

S.B. 56, Naturopathic Physician Amendments (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 57, Franchise Law Amendments (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 58, Workers' Compensation Related Amendments (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.B. 59, Wildlife Amendments (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 60, Repealing Labor Commission Responsibilities to Oversee Employment Agencies (R. Romero), read the first time by short title and referred to the Rules Committee.

S.B. 61, Financial Literacy Education (P. Jones), read the first time by short title and referred to the Rules Committee.

S.B. 62, Health Insurance – Medical Complication Exclusions (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 63, Adult Protective Services Amendments (K. VanTassell), read the first time by short title and referred to the Rules Committee.

S.B. 64, Income Tax – Capital Gain Transactions (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 65, Soliciting Gang Members Prohibited (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 66, Uniform Emergency Volunteer Health Practitioners Act (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 67, Protection of Constitutionally Guaranteed Activities in Certain Private Venues (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 68, Workers' Compensation – Death Benefits (K. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 69, Uniform Limited Cooperative Association Act (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 70, Emotional Support Animals (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 94, Burglary of a Railroad Car (D. Peterson), read the first time by short title and referred to the Rules Committee.

S.B. 95, Markup on Alcoholic Beverages (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.B. 96, Multi-channel Video or Audio Service Tax Act Amendments (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 97, Immigration Task Force (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 98, Licensing of Security Services (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 99, Amendments to Sales and Use Tax Exemption for Prosthetic Devices (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 100, Motor Vehicle Dealer Disclosure Requirements Amendments (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 101, Utah Comprehensive Health Insurance Pool Funding (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 102, Animal Torture Offense (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 103, Higher Education Enhancements (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 104, State Capital Facility Board – Creation and Oversight (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 105, Judicial Performance Evaluation Commission (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 106, Juvenile Custody Maintenance Amendments (D. Peterson), read the first time by short title and referred to the Rules Committee.

S.B. 107, State Retirement Benefit Additions (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

S.B. 108, Offset of Workers' Compensation and Social Security (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.B. 109, Poll Worker Neutrality (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 110, Foreign Business Entities and Tribal Law (K. VanTassell), read the first time by short title and referred to the Rules Committee.

S.B. 111, Revisor's Statute (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.B. 112, Legislative Space in the Capitol (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 113, Access to Research Workers' Personal Information (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 114, Notary Public Revision (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 115, Motor Vehicle Safety Inspection Advisory Council Amendments (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 116, Retirement Office Amendments (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 117, Animal Cruelty Amendments (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 118, Education Transportation Amendments (D. Peterson), read the first time by short title and referred to the Rules Committee.

S.B. 119, Department of Corrections Amendments (D. Peterson), read the first time by short title and referred to the Rules Committee.

S.B. 120, Department of Corrections Employee Vehicle Use (D. Peterson), read the first time by short title and referred to the Rules Committee.

S.B. 121, Access to Qualified Health Care Providers (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 122, Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 123, Filling Vacancies in the Senate (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.B. 124, Sales and Use Tax – Definitions of Permanently Attached to Real Property and Tangible Personal Property (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 125, High School Voter Registration (K. VanTassell), read the first time by short title and referred to the Rules Committee.

S.B. 126, Filing Fee for Write-in Candidates (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 127, Underground Utilities Facilities Amendments (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 128, Amendments to the Veteran's Property Tax Exemption (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

S.B. 129, Changes to County Surveyor (K. VanTassell), read the first time by short title and referred to the Rules Committee.

S.B. 130, Utility Improvement District Revisions (K. VanTassell), read the first time by short title and referred to the Rules Committee.

S.B. 131, Wage Withholding for Employee Contributions

(W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 132, Consumer Credit Protection Act – Attorney General Powers

(C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 133, Medical Assistance and Managed Care (G. Bell), read the first

time by short title and referred to the Rules Committee.

S.B. 134, Residential Mortgage Fraud Act (S. Killpack), read the first time

by short title and referred to the Rules Committee.

S.B. 135, Extending the Sales and Use Tax Exemption for Pollution Control Facilities (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 136, Apportionment of Business Income Amendments

(W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 137, Mineral Production Tax Withholding Amendments

(W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 138, Utah Substance Abuse and Anti–violence Coordinating Council Amendments (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 139, Utah Antitrust Act Amendments (L. Hillyard), read the first time

by short title and referred to the Rules Committee.

S.B. 140, Education Advisory Councils (P. Jones), read the first time by short title and referred to the Rules Committee.

S.B. 141, Water Conservancy District – Selection of Board of Trustees

(W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 142, High School Graduation Requirements (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 143, Insurance Financial Requirements (K. VanTassell), read the first time by short title and referred to the Rules Committee.

S.C.R. 1, Resolution Supporting Obesity Awareness (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.C.R. 2, Resolution Promoting Legislators Back to School Program (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.C.R. 3, Resolution Supporting Observance of Peace Officers Memorial Day (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.C.R. 4, Concurrent Resolution Recognizing Utah's Nobel Prize Winner Mario Capecchi (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.J.R. 1, Resolution Encouraging the Advertisement of Alternative Routes to Teaching (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.J.R. 2, Resolution Approving the Appointment of Legislative Fiscal Analyst (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.J.R. 3, Resolution Approving Compensation of In-session Employees (G. Bell), read the first time by short title and referred to the Rules Committee.

S.J.R. 4, Joint Resolution Recognizing 100th Anniversary of Utah League of Cities and Towns (P. Knudson), read the first time by short title and referred to the Rules Committee.

COMMITTEE OF THE WHOLE

On motion of Senator Bramble, members of the Martin Luther King Jr. Human Rights Commission spoke in Committee of the Whole. Isaac Failner, winner of the State Adopt-A-School Essay contest, read his winning essay. Trysten Smith introduced Bishop John C. Wester, Catholic Diocese of Salt Lake. Bishop Wester spoke in the Committee of the Whole. Senators Howard Stephenson and Davis commented.

On motion of Senator Davis, the Committee of the Whole was dissolved.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 21, 2007

The Rules Committee recommends that, under suspension of the rules, the following bills be placed at the top of the Second Reading Calendar:

- S.B. 111** Revisor's Statute (Sen. J. Hickman)
S.B. 112 Legislative Space in the Capitol (Sen. C. Bramble)
S.J.R. 2 Resolution Approving the Appointment of Legislative
Fiscal Analyst (Sen. C. Bramble)

Bill Hickman
Rules Committee Chair

Report filed. On motion of Senator Hickman, under suspension of the rules,
the committee report was adopted.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 21, 2008

The Rules Committee recommends that the following bills be placed on the
Second Reading Calendar:

- S.B. 10** Search Warrant Procedure Amendments (Sen. J. Greiner)
S.B. 11 Utah Venture Capital Enhancement Act Amendments
(Sen. S. Jenkins)
S.B. 12 Election Law Modifications (Sen. P. Knudson)
S.B. 13 Candidate Residency Requirements (Sen. P. Knudson)
S.B. 15 Driving Under the Influence Amendments
(Sen. C. Walker)
S.B. 16 Exoneration and Innocence Assistance (Sen. G. Bell)
S.B. 17 Child Abuse and Neglect Registry – Management and
Licensing Information Systems Amendments
(Sen. G. Davis)
S.B. 18 Public Safety Retirement Death Benefit Modifications
(Sen. J. Greiner)
S.B. 19 Enhanced Public Safety Retirement Systems Cola Option
(Sen. C. Walker)
S.B. 20 Municipal Government Amendments (Sen. C. Walker)
S.B. 22 Timing of Ballot Items (Sen. P. Knudson)
S.B. 23 Revision to Polling Requirements (Sen. P. Knudson)
S.B. 24 Retirement Death Benefits and Divorce Revisions
(Sen. L. Hillyard)
S.B. 25 Municipal Incorporation Amendments
(Sen. D. Stowell)
S.B. 26 Fire Management Areas (Sen. M. Dayton)
S.B. 27 Trustees Sale – Process for Excess Proceeds
(Sen. G. Davis)
S.B. 30 Consumer Sales Practice Act Amendments (Sen. P. Jones)
S.B. 33 Department of Community and Culture – State-owned
Art Inventory (Sen. M. Madsen)

- S.B. 40** State Trade Database (Sen. M. Madsen)
S.B. 44 Penalties for Failing to Secure a Load or Littering on a Highway (Sen. P. Jones)
S.C.R. 1 Resolution Supporting Obesity Awareness (Sen. D. C. Buttars)
S.J.R. 1 Resolution Encouraging the Advertisement of Alternative Routes to Teaching (Sen. M. Dayton)
S.J.R. 3 Resolution Approving Compensation of In-session Employees (Sen. G. Bell)

Bill Hickman
Rules Committee Chair

Report filed. On motion of Senator Hickman, the committee report was adopted.

RULES COMMITTEE REPORTS

To the Members of the Senate: January 21, 2008

The Rules Committee recommends assignment of the following bills to standing committees:

Business and Labor Committee

- S.B. 57** Franchise Law Amendments (Sen. D. Eastman)
S.B. 58 Workers' Compensation Related Amendments (Sen. M. Dmitrich)
S.B. 60 Repealing Labor Commission Responsibilities to Oversee Employment Agencies (Sen. R. Romero)
S.B. 95 Markup on Alcoholic Beverages (Sen. M. Dmitrich)
S.B. 98 Licensing of Security Services (Sen. D. Eastman)
S.B. 108 Offset of Workers' Compensation and Social Security (Sen. J. Hickman)
S.B. 110 Foreign Business Entities and Tribal Law (Sen. K. VanTassell)
S.B. 131 Wage Withholding for Employee Contributions (Sen. W. Niederhauser)
S.B. 132 Consumer Credit Protection Act – Attorney General Powers (Sen. C. Walker)
S.B. 134 Residential Mortgage Fraud Act (Sen. S. Killpack)
S.B. 136 Apportionment of Business Income Amendments (Sen. W. Niederhauser)

Education Committee

- S.B. 35** Differentiated Pay for Teachers (Sen. H. Stephenson)

- S.B. 36** Charter and Online Schools – Participation in Extracurricular Activities (Sen. M. Madsen)
- S.B. 37** Home School and Extra Curricular Activities Amendments (Sen. M. Madsen)
- S.B. 39** Mathematics, Science, and Technology Education Task Force (Sen. H. Stephenson)
- S.B. 41** Extended School Year Incentive (Sen. H. Stephenson)
- S.B. 42** Utah College of Applied Technology – Governance and Operations (Sen. G. Bell)
- S.B. 48** Equalization of School Capital Outlay Funding (Sen. D. Eastman)
- S.B. 61** Financial Literacy Education (Sen. P. Jones)
- S.B. 103** Higher Education Enhancements (Sen. D. Stowell)
- S.B. 118** Education Transportation Amendments (Sen. D. Peterson)
- S.B. 125** High School Voter Registration (Sen. K. VanTassell)
- S.C.R. 2** Resolution Promoting Legislators Back to School Program (Sen. M. Dayton)

Government Operations and Political Subdivision Committee

- S.B. 21** Campaign Finance Disclosure Revisions (Sen. P. Knudson)
- S.B. 32** Local Government Bonding Act – Public Hearings (Sen. S. Jenkins)
- S.B. 45** Accounting for Competitive Activities of Local Entities (Sen. H. Stephenson)
- S.B. 47** Limited Purpose Local Government Entities Revisions (Sen. D. Stowell)
- S.B. 53** Use of Initiative and Referendum for Administrative Land Use and Zoning Matters (Sen. B. Goodfellow)
- S.B. 54** Initiative and Referendum Petition Submission Amendments (Sen. B. Goodfellow)
- S.B. 113** Access to Research Workers’ Personal Information (Sen. G. Bell)
- S.B. 123** Filling Vacancies in the Senate (Sen. J. Hickman)
- S.B. 126** Filing Fee for Write-in Candidates (Sen. P. Knudson)
- S.B. 129** Changes to County Surveyor (Sen. K. VanTassell)
- S.J.R. 4** Joint Resolution Recognizing 100th Anniversary of Utah League of Cities and Towns (Sen. P. Knudson)

Health and Human Services Committee

- S.B. 14** Smoking Ban in Motor Vehicle (Sen. S. McCoy)

- S.B. 50** Medical Benefits Recovery Amendments
(Sen. A. Christensen)
- S.B. 56** Naturopathic Physician Amendments (Sen. S. McCoy)
- S.B. 101** Utah Comprehensive Health Insurance Pool Funding
(Sen. G. Davis)
- S.B. 121** Access to Qualified Health Care Providers
(Sen. D. C. Buttars)
- S.B. 133** Medical Assistance and Managed Care (Sen. G. Bell)

Judiciary, Law Enforcement and Criminal Justice Committee

- S.B. 51** Impact Fees – Public Safety Facility (Sen. G. Bell)
- S.B. 52** Identity Theft Amendment (Sen. C. Walker)
- S.B. 94** Burglary of a Railroad Car (Sen. D. Peterson)
- S.B. 105** Judicial Performance Evaluation Commission
(Sen. D. C. Buttars)
- S.B. 106** Juvenile Custody Maintenance Amendments
(Sen. D. Peterson)
- S.B. 114** Notary Public Revision (Sen. G. Bell)
- S.B. 119** Department of Corrections Amendments
(Sen. D. Peterson)
- S.B. 120** Department of Corrections Employee Vehicle Use
(Sen. D. Peterson)
- S.B. 122** Uniform Adult Guardianship and Protective Proceedings
Jurisdiction Act (Sen. L. Hillyard)
- S.C.R. 3** Resolution Supporting Observance of Peace Officers
Memorial Day (Sen. J. Greiner)

Natural Resources, Agriculture and Environment Committee

- S.B. 46** Anti-flow Control Amendments (Sen. D. Eastman)
- S.B. 59** Wildlife Amendments (Sen. A. Christensen)

Retirement and Independent Entities Committee

- S.B. 107** State Retirement Benefit Additions (Sen. B. Goodfellow)
- S.B. 116** Retirement Office Amendments (Sen. C. Walker)

Revenue and Taxation Committee

- S.B. 28** Apportionment of Business Income, Attributing Sales to
the State, and Deduction of Net Losses by a Unitary
Group (Sen. H. Stephenson)
- S.B. 29** Truth in Taxation Amendments (Sen. W. Niederhauser)
- S.B. 31** Income Tax Amendments (Sen. W. Niederhauser)

- S.B. 38** Transparency in Government Finance
(Sen. W. Niederhauser)
- S.B. 96** Multi-channel Video or Audio Service Tax Act
Amendments (Sen. W. Niederhauser)
- S.B. 99** Amendments to Sales and Use Tax Exemption for
Prosthetic Devices (Sen. W. Niederhauser)
- S.B. 124** Sales and Use Tax – Definitions of Permanently Attached
to Real Property and Tangible Personal Property
(Sen. H. Stephenson)
- S.B. 128** Amendments to the Veteran’s Property Tax Exemption
(Sen. B. Goodfellow)
- S.B. 135** Extending the Sales and Use Tax Exemption for Pollution
Control Facilities (Sen. W. Niederhauser)
- S.B. 137** Mineral Production Tax Withholding Amendments
(Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee

- S.B. 34** Confidentiality of Reports to Driver License Division
(Sen. A. Christensen)
- S.B. 100** Motor Vehicle Dealer Disclosure Requirements
Amendments (Sen. D. Eastman)
- S.B. 115** Motor Vehicle Safety Inspection Advisory Council
Amendments (Sen. D. Eastman)
- S.B. 127** Underground Utilities Facilities Amendments
(Sen. J. Greiner)
- S.B. 130** Utility Improvement District Revisions
(Sen. K. VanTassell)

Bill Hickman

Rules Committee Chair

Report filed. On motion of Senator Hickman, the committee report was adopted.

* * *

On motion of Senator Bramble, and at 12:10 p.m., the Senate recessed.

AFTERNOON SESSION

JOINT CONVENTION

President John Valentine called the Joint Convention to order at 2:15 p.m. in the Chamber of the Utah House of Representatives and recognized Speaker Greg Curtis.

A quorum of the Legislature was present.

President Valentine acknowledged the presence of the Supreme Court Justices: Christine M. Durham, Chief Justice; Michael J. Wilkins, Associate Chief Justice; Matthew B. Durrant, Justice; Ronald E. Nehring, Justice; and Jill N. Parrish, Justice.

COMMITTEE OF THE WHOLE

On motion of Senate Bramble, the Legislature resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing Chief Justice Christine M. Durham's State of the Judiciary address.

On motion of Representative D. Clark, the Legislature voted to print the complete text of the State of the Judiciary address upon the pages of the House and Senate Journals.

On motion of Senator Bramble, the Senate voted to have the State of the Judiciary address spread upon the pages of the Senate Journal.

STATE OF THE JUDICIARY ADDRESS CHIEF JUSTICE CHRISTINE M. DURHAM

It is an extraordinary privilege to address the Utah Legislature in this magnificently restored historic chamber. So far as I know, it is the first time that a Chief Justice has had the opportunity to address a joint session in the Capitol itself, and I express appreciation for the courtesy you have extended by continuing the joint session tradition begun last year. It has been a privilege for me to have served for the past five years as a member of the Capitol Preservation Board, which has overseen the great work of historic preservation and renovation we all, as citizens of Utah, now enjoy. The Supreme Court is very much looking forward, as I am sure you have been doing, to returning to the Capitol. We will hear cases next month in our beautiful courtroom, and we invite you to participate in that event if you are able, on the morning of Wednesday the 6th of February. As I mentioned during the rededication ceremonies, I believe that it is symbolic, historically and

constitutionally, that there are spaces in this building where all three branches of government may deliberate and perform their function in the government of the people of Utah.

I am pleased to be joined today by my colleagues on the Supreme Court: Associate Chief Justice Michael Wilkins and Associate Justices Matthew Durrant, Jill Parrish, and Ronald Nehring. I also appreciate the presence of Utah's State Court Administrator Dan Becker. As you know, the constitutional responsibility for governance of the judicial branch in our state belongs to the Judicial Council, which I chair as Chief Justice and on which Justice Nehring now sits as our Court's representative. However, each of my colleagues undertakes significant leadership work with respect to both the responsibilities of the Court for procedural and evidentiary rulemaking, and oversight of the legal profession, as well as in accepting many assignments from the Judicial Council. In that regard, I would like to acknowledge the leadership and hard work that Justice Nehring has provided over the last two years to the Judicial Council's study of Utah's Justice Courts. I will spend a good part of my time here today discussing the results of that study, and wanted to recognize Justice Nehring's contributions to it.

First, however, I would like to report briefly on our progress on several initiatives we have undertaken in response to your direction over the last year. For example, having listened to concerns about increasing the efficiency of case processing articulated and embodied in legislation by Senator Greg Bell, we have under way a Caseflow Management Pilot Program implementing methods for reducing the time it takes cases to move through the resolution process. A mental health court for juveniles is now helping troubled youth in Cache County thanks to Senator Lyle Hillyard's legislative work in the last session. Treatment for criminal defendants for drug addiction is now more widespread, in response to Senator Chris Buttar's work on DORA, and we are coordinating regular court-annexed divorce orientation programs as provided for by Representative Lorie Fowlke's bill. Each of these efforts is fully underway and shows considerable promise for the continued improvement of services to the public. There are many more examples, but I mention these because they reflect the efforts of the courts to be responsive and accountable to the Legislature for the fiscal and policy direction you provide. They also represent the positive results of collaboration between the three branches of government in the improvement of the administration of justice.

Our efforts in that work are often simply taken as a "given," but I am pleased to report that Utah's courts increasingly enjoy what I consider to be a well-deserved reputation for excellence and leadership in court administration. We frequently receive requests from other states for technical assistance and

advice, and in the last several months, we have hosted study delegations from the court systems in South Korea, China, Liberia, Kurdistan, and Ukraine.

Of far more importance, however, is what our own court users are saying. I mentioned last year that the Judicial Council has implemented a comprehensive system of performance measures to monitor how we are doing in fulfilling our mission. One of the regular measurements we have undertaken is to survey court users about their experiences. We do this by taking a snapshot of all the people leaving a particular courthouse on a particular day. Our latest survey of 1800 court users from all over the state, found that 93 percent said they understood what happened in their case and why, 95 percent said they knew what they should do next in their case, 90 percent said they felt that both sides had been treated the same, and 94 percent said they were treated with courtesy and respect by the judge and court staff. The full results of the survey, along with all the other performance data we are now collecting, can be viewed on our website at www.utcourts.gov. One of the best features of the information on the website is that it is organized so that it can be looked at by district, by county, and even by individual courthouse. For example, St. George courthouse users showed a much lower level of public satisfaction than the numbers I cited earlier, when asked about court facilities. Senator Hickman and Representatives Clark, Last and Urquhart would, I think, feel particularly good about their work in securing funding for the new courthouse there if they looked at the reaction of court users to the overcrowded and outdated facilities currently in use.

The opinions that court users have are important. My husband is a pediatrician who frequently works with families in various kinds of difficult situations. One of the truths he taught me many years ago is that “feelings are facts,” meaning that you must deal with the perceptions, emotions, and attitudes that people have about their experiences if you really want to help. That principle has its corollary in the work of the courts: the public’s perceptions of our work is as critical to the confidence they have in the courts as are the objective facts of what we do. We are constantly focused on the perceptions we want the public to have of their courts and try to work on those goals in specific ways. For example, we want the public to perceive their courts as accessible, and are constantly improving our programs to assist self-represented litigants. Our Internet-based Online Court Assistance Program (OCAP) was used to generate legal documents for 8000 filings in the past year. Last year I told you that a quarter of all divorce filings were initiated with forms prepared on OCAP; this year’s number is up to 42 percent. Also, our Court’s recent approval of a practice known as “unbundling” of legal services is beginning to be reflected in court proceedings around the state where litigants can retain the services of lawyers for only the parts of their cases they need help with, at much reduced cost. Recently, a district judge in Davis County

presided over a complicated domestic case in which both parties were representing themselves. A number of hearings had been held, which were extremely stressful largely because of the parties' unfamiliarity with procedural and legal requirements. At the final hearing, one of the parties was able to secure the services of a local attorney for the purpose of only that one hearing, something that would not have been possible without the new rule on unbundling. Because of the lawyer's assistance, what would likely have been a difficult, all-day process instead resulted in a one-hour hearing and what the judge describes as a fair resolution, understood and largely stipulated to by both parties. Not inconsequentially, the result was achieved at a fraction of the cost of traditional representation.

We want people to perceive that their courts are efficient, and, in addition to the case flow management pilot program I mentioned earlier, we are engaged in other projects, like a Model Juvenile Delinquency Court that is exploring ways to increase timely dispositions while preserving fairness standards. We have begun the use of electronic warrants, which will permit judges to review and act on law enforcement warrant requests instantly from any location at any time. We are also currently completing a process that will extend electronic filing to all civil cases before the end of your session. And, as I mentioned in my remarks last year, we are very proud of the transparency with which we conduct our work. On our website, thanks to the performance measures contained in our CourTools program, we publish all the data that enables us to analyze our productivity and understand emerging trends.

We want people to perceive that their courts will protect the interests of those who cannot protect themselves. Courts have traditionally overseen the system of guardianships and conservatorships for those who are disabled for any reason, including old age. The Judicial Council has initiated a major project to identify how we can better exercise that oversight, and how our rules, our practices, and perhaps even the statutes might be changed to better serve and protect people with disabilities and their families.

Finally, and most important of all, we want the public to perceive that their courts are fair and impartial. Without this perception, there cannot exist an essential element of our form of government—public trust and confidence in the judicial branch. Our focus on this perception is reflected in the project I mentioned earlier and about which I am sure you have heard: the Judicial Council's study of the justice courts in Utah. There is, in my view, no more pressing problem of public perception regarding Utah's court system than the justice courts. Let me provide some context for this discussion.

The survey results I mentioned earlier came from user experiences in the courts of 111 judges at the state level. Considering the “judicial system” more globally (which is of course the way most citizens see it), Utah actually has 219 judges, 108 of whom serve in the justice courts. We have 178 court locations in Utah; 138 of them are county or municipal justice courts. Of the approximately 860,000 court cases filed last year in Utah, 587,000 (almost 70%) were filed in the justice courts. It is axiomatic that for most Utah citizens, justice court is the court with which they are most likely to have experience. These courts range from large municipal courts with multiple judges and extensive staff to very small courts, where only 2 or 3 cases might be filed in a week and court hearings might be held only once a month. We should be in no doubt, however, about their collective impact: last year Utah’s justice courts generated over \$72,000,000.00 in revenue, and projections for the coming year put the number at \$84,000,000.00.

The Judicial Council decided two years ago to undertake a study of the justice court system because of a number of factors. Among those factors were: (1) an increase in the number of justice courts, particularly large courts in Salt Lake City, West Valley City, Ogden, and Provo; (2) the importance of the kinds of cases heard in justice courts; the vast majority of DUI and domestic violence cases are now handled there, as well as civil cases now involving amounts up to \$7500.00; (3) legislative demands for improved record-keeping in the justice courts; (4) a growing public perception that justice courts are vehicles for generating revenue, never a proper function for courts as institutions; (5) pressures on judicial independence in decision making, both real and perceived; (6) litigation challenging the constitutionality of the structure and jurisdiction of the justice courts; and (7) multiple issues regarding uniformity and consistency in practice and procedure.

The Judicial Council formed a committee, chaired by Justice Nehring, to examine these and other issues. In the course of the committee’s work, its members and staff spoke to large numbers of interested stakeholders all over the state. In some ways, what the committee undertook could be analogized to the recent restoration of this building. A time had come when it became clear that cosmetic changes or interim repairs were insufficient. Although many improvements to the justice court system have been made, such as significant attention to the education and training of judges and court staff, it became apparent that, as with the Capitol, structural work needed to be done.

The committee’s recommendations, which have now been endorsed by the Judicial Council and which are incorporated in a bill sponsored by Senator Lyle Hillyard, were predicated on three paramount principles: First, the decision to create and maintain justice courts should remain with local government; this is not a proposal for state government to take over the justice courts; Second, justice

courts must be, and must be perceived to be, fair and impartial places for dispute resolution, not revenue generating entities; and Third, justice courts must be presided over by highly competent, well-trained judges. These are the principles that guided the committee's work, and the proposal that has emerged from that work is the direct result of widespread agreement on the validity and importance of those principles. There will no doubt be differing views about the specifics of the proposed changes, but I urge you to give careful consideration to the principles underlying Senator Hillyard's bill. There has been some discussion already about the proposal, and unfortunately some of it has been premised on misinformation about what it actually does, so I hope that in your work you will focus on its actual language. In the end, I urge you to seize this opportunity to reform a system in need of attention and to enhance the public's confidence in these courts.

As with justice courts, the competence of judges at all level of the judiciary is important to the people, which brings me briefly to the subject of judicial performance evaluation. You will be considering in this session a bill, sponsored in the Senate by Senator Buttars, to make changes in the structure of our program for judicial performance evaluation in Utah. The proposal is the work of a legislative task force on judicial retention that you created last session, on which I, Judge Gary Stott of the 4th District Court and Judge Hans Chamberlain of the 5th District Juvenile Court were invited to sit, a courtesy appreciated by the judiciary. I must preface my comments with the observation that, from the judiciary's perspective, the current program is not in need of change; we have not been persuaded that there is a significant case to be made that the evaluation process itself, as opposed to the logistics of the voter information process, is inadequate in any way. In fact, the standards for judicial performance and the means for measurement embodied in the proposed legislation are nearly identical to those currently in place. Having said that, I acknowledge that there is legislative interest in having the evaluation process administered by an independent commission rather than by the Judicial Council, and the proposal in the legislation takes that approach. I would observe that for such a system to be fair and effective, two things are absolutely essential: the commission must be completely independent and free from the possibility of any kind of public or political pressure that would put at risk the impartiality and independence of the decision making function of judges, and the commission must be adequately funded to carry out its ambitious assignment. Given that the bill as proposed appears to contemplate both of these essentials, the Judicial Council has determined that, although we cannot support it because of our position that it is unnecessary, we do not oppose the approach it advances.

I would like to turn finally to a few comments that relate to things I have said today about public confidence in the courts. No institution can be better than its

people, and I am exceedingly proud of the dedicated, hard-working judges and staff who work for the courts. However, we are in one respect in considerable trouble, and we are asking this year for your help. Our deputy court clerks are our front-line employees. They are expected to perform a wide array of complex tasks requiring a high level of skill, including assisting court customers in person and over the telephone; assisting attorneys and self-represented litigants; setting court calendars; scheduling interpreters, court reporters, and mediators; coordinating with outside agencies and attorneys; monitoring case progress; preparing required notices; recording the outcomes of hearings and trials; managing jury pools; collecting court fees, fines, and restitution; and balancing and reconciling accounts. We are experiencing unprecedented turnover in our deputy clerk positions throughout the state and related difficulty in recruiting for those jobs. Fully 41 percent of new deputy court clerks leave the state courts before reaching one year of service; ironically, a large number of them leave to take higher paying jobs with local justice courts. The work of court clerks has no analogue in the private sector, so new hires require a significant investment of time and training; it is a huge loss when those people leave us, and it has a direct, negative impact on the efficiency of the courts. Morale, as well as productivity, is affected when experienced clerks must spend significant portions of their time training new people who will not stay; personal and professional relationships are disrupted and the workplace suffers. Our analysis reveals that deputy clerk positions are currently among the lowest pay scales in all of state government, despite their relatively sophisticated demands. To address this problem we are asking for the funds for a market comparability adjustment, and we hope that you will agree about the urgency of the issue.

With respect to judicial compensation, we remain very appreciative of the attention you paid to this issue last year, and we hope that we can stay on track with the recommendation of our citizen committee and the recommendations of your Executive and Judicial Compensation Commission. Our expectation is that those recommendations will put us in the position of being able to stay “caught up” with only regular state employee cost of living increases in the future.

Oliver Wendell Holmes Sr. once said: “Greatness is not so much where we stand, as in what direction we are moving. We must sail sometimes with the wind, and sometimes against it, but sail we must. And not drift, nor lie at anchor.” Utah’s judicial branch is not drifting, nor are we standing still. We are actively addressing efficient case management practices; we have embraced and are honing the effectiveness of problem-solving courts; we are working to ensure that people who need to represent themselves in court, and people who face language and other kinds of barriers to access, can ask for and receive justice; we are constantly seeking ways in which we can reach out to Utah’s communities and educate our

children about the rule of law; and we are actively engaged in planning for the kinds of structural and other change that will improve and sustain the trust and confidence that the people have in the courts. Although our institutional cultures and decision-making processes are very different, our two branches of government share fundamental commitments to fairness, justice, and public service. We in the judiciary look forward to a year of positive, collaborative work with you and your leadership, and to sailing, to use Dr. Holmes' metaphor, in the right direction

* * *

The Senate reassembled in the Senate Chamber at 3:05 p.m., with President Valentine presiding.

* * *

On motion of Senator Knudson, the Senate voted to lift **S.J.R. 4, JOINT RESOLUTION RECOGNIZING 100TH ANNIVERSARY OF UTAH LEAGUE OF CITIES AND TOWNS**, from the Government Operations and Political Subdivision Committee and place it on the Time Certain Calendar for 10:00 a.m. Wednesday, January 23, 2008.

SECOND READING CALENDAR

On motion of Senator Hickman, under suspension of the rules, **S.B. 111, REVISOR'S STATUTE**, was considered read the second and third times. Senator Hickman explained the bill. Senator Stephenson commented. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Buttars	Dayton	Madsen
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S.B. 111 was transmitted to the House.

* * *

On motion of Senator Bramble, under suspension of the rules, **S.B. 112**, LEGISLATIVE SPACE IN THE CAPITOL, was considered read the second and third times.

Senator Bramble proposed the following amendment:

1. Page 2, Line 50 through Page 3, Line 59

50 (2) The legislative area on capitol hill includes:

51 (a) in the State Capitol:

* * * *Some lines not shown* * * *

55 (ii) on the third floor: the entire floor, including the stairs and elevators on the east and

56 west side of the third floor, except:

57 (A) the Supreme Court chambers which is to be controlled and scheduled by the

58 Legislature during any general or special session of the Legislature and on interim days and

59 controlled and scheduled by the {~~State Capitol Preservation Board~~} Secretary of the Senate on all other days;

2. Page 5, Line 143 through Page 6, Line 152:

143 (2) The legislative area on capitol hill includes:

144 (a) in the State Capitol:

* * * *Some lines not shown* * * *

148 (ii) on the third floor: the entire floor, including the stairs and elevators on the east and

149 west side of the third floor, except:

150 (A) the Supreme Court chambers which is to be controlled and scheduled by the

151 Legislature during any general or special session of the Legislature and on interim days and

152 controlled and scheduled by the {~~State Capitol Preservation Board~~} Secretary of the Senate on all other days;

Senator Bramble's motion to amend passed on a voice vote. Senator Bramble explained the bill. Senator Hillyard commented. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator
Dayton

S.B. 112, as amended, was transmitted to the House.

* * *

On motion of Senator Bramble, under suspension of the rules, **S.J.R. 2**, RESOLUTION APPROVING THE APPOINTMENT OF LEGISLATIVE FISCAL ANALYST, was considered read the second and third times. Senator Bramble explained the bill. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators
Dayton Hillyard

S.J.R. 2 was transmitted to the House.

* * *

On motion of Senator Bramble and at 2:30 p.m., the Senate adjourned until 10:00 a.m., Tuesday, January 22, 2008.

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Assigned to standing committee	25
S.B. 133 — MEDICAL ASSISTANCE AND MANAGED CARE (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee.	22
Assigned to standing committee	27
S.B. 134 — RESIDENTIAL MORTGAGE FRAUD ACT (<i>S. Killpack</i>)	
Read the first time by short title and referred to the Rules Committee.	22
Assigned to standing committee	25
S.B. 135 — EXTENDING THE SALES AND USE TAX EXEMPTION FOR POLLUTION CONTROL FACILITIES (<i>W. Niederhauser</i>)	
Read the first time by short title and referred to the Rules Committee.	22
Assigned to standing committee	28
S.B. 136 — APPORTIONMENT OF BUSINESS INCOME AMENDMENTS (<i>W. Niederhauser</i>)	
Read the first time by short title and referred to the Rules Committee.	22
Assigned to standing committee	25
S.B. 137 — MINERAL PRODUCTION TAX WITHHOLDING AMENDMENTS (<i>W. Niederhauser</i>)	
Read the first time by short title and referred to the Rules Committee.	22
Assigned to standing committee	28
S.B. 138 — UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL AMENDMENTS (<i>D. C. Buttars</i>)	
Read the first time by short title and referred to the Rules Committee.	22
S.B. 139 — UTAH ANTITRUST ACT AMENDMENTS (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	22
S.B. 140 — EDUCATION ADVISORY COUNCILS (<i>P. Jones</i>)	
Read the first time by short title and referred to the Rules Committee.	22
S.B. 141 — WATER CONSERVANCY DISTRICT – SELECTION OF BOARD OF TRUSTEES (<i>W. Niederhauser</i>)	
Read the first time by short title and referred to the Rules Committee.	22
S.B. 142 — HIGH SCHOOL GRADUATION REQUIREMENTS (<i>M. Madsen</i>)	
Read the first time by short title and referred to the Rules Committee.	22
S.B. 143 — INSURANCE FINANCIAL REQUIREMENTS (<i>K. VanTassell</i>)	
Read the first time by short title and referred to the Rules Committee.	22
S.C.R. 1 — RESOLUTION SUPPORTING OBESITY AWARENESS (<i>D. C. Buttars</i>)	
Read the first time by short title and referred to the Rules Committee.	23
Placed on calendar	25
S.C.R. 2 — RESOLUTION PROMOTING LEGISLATORS BACK TO SCHOOL PROGRAM (<i>M. Dayton</i>)	
Read the first time by short title and referred to the Rules Committee.	23
Assigned to standing committee	26

S.C.R. 3 — RESOLUTION SUPPORTING OBSERVANCE OF PEACE OFFICERS MEMORIAL DAY (*J. Greiner*)
 Read the first time by short title and referred to the Rules Committee. 23
 Assigned to standing committee 27

S.C.R. 4 — CONCURRENT RESOLUTION RECOGNIZING UTAH'S NOBEL PRIZE WINNER
 MARIO CAPECCHI (*J. Valentine*)
 Read the first time by short title and referred to the Rules Committee. 23

S.J.R. 1 — RESOLUTION ENCOURAGING THE ADVERTISEMENT OF ALTERNATIVE
 ROUTES TO TEACHING (*M. Dayton*)
 Read the first time by short title and referred to the Rules Committee. 23
 Placed on calendar 25

S.J.R. 2 — RESOLUTION APPROVING THE APPOINTMENT OF LEGISLATIVE FISCAL ANALYST (*C. Bramble*)
 Read the first time by short title and referred to the Rules Committee. 23
 Placed on calendar 24
 Read the second and third time 38
 Transmitted to the House 38

S.J.R. 3 — RESOLUTION APPROVING COMPENSATION OF IN-SESSION EMPLOYEES (*G. Bell*)
 Read the first time by short title and referred to the Rules Committee. 23
 Placed on calendar 25

S.J.R. 4 — JOINT RESOLUTION RECOGNIZING 100TH ANNIVERSARY OF UTAH LEAGUE OF
 CITIES AND TOWNS (*P. Knudson*)
 Read the first time by short title and referred to the Rules Committee. 23
 Assigned to standing committee 26
 Placed on Time Certain Calendar 36